

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cook, et al.

Appl. No. 10/030,593

Filed: January 8, 2002

For: TWO-STEP RADIAL EXPANSION

§ Attorney Docket No.: 25791.25.08
§
§ Group Art Unit: 3672
§
§ Examiner: Kenneth L. Thompson
§

DECLARATION OF TODD MATTINGLY

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Todd Mattingly, declare and say that I have direct knowledge of all facts set forth in this Declaration and:

1. I am a registered patent attorney, Reg. No. 40,298, and have been practicing patent law for twelve years.
2. Presently, I am a Partner in the law firm of Haynes and Boone, LLP (the Firm) in its Houston office.
3. Presently, I am the Firm's attorney responsible for the above-identified patent application.
4. Upon receipt of the Notice of Abandonment, I reviewed the file jacket, docket record sheet and other information relating to this matter to ensure that the Office action dated December 30, 2005 had not been received at the Firm. I also communicated with Ms. Kiefer and Ms. Vinson to gather facts pertinent to their declarations.
5. The Firm conducted its investigation with due diligence and is presenting this petition promptly after learning of the Notice of Abandonment for failure to respond to the Office action dated December 30, 2005 for the above referenced patent application.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true and that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date

H-639786_1.DOC


Todd Mattingly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cook, et al.	§	Attorney Docket No.: 25791.25.08
	§	
Appl. No. 10/030,593	§	Group Art Unit: 3672
	§	
Filed: January 8, 2002	§	Examiner: Kenneth L. Thompson
	§	
For: TWO-STEP RADIAL EXPANSION		

DECLARATION OF SUZANNE KIEFER

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Suzanne Kiefer, declare and say that I have direct knowledge of all facts set forth in this Declaration and:

1. I have been an employee of Haynes and Boone, LLP (the "Firm") since January 1998. In December, 2005, I was the IP Staff Supervisor in the Intellectual Property Practice Group (the "Group").

2. At all times relevant to the facts presented in this Declaration, I was responsible for developing, implementing and managing the Group's internal systems at the Firm including procedures relating to mail handling and docketing in order to adapt to growth and to more importantly prevent errors.

3. During the relevant time period, the following procedure was utilized by Group for handling mail and docketing incoming correspondence. Specifically, all incoming mail is received by the Firm's main mailroom within each of the Firm's offices. This mail is separated by attorney and sections within the Firm. All correspondence received for anyone within the Group is then directed to and opened by the Group's file clerks within each of the Firm's offices. Any correspondence relating to the prosecution of patent applications is sent to be given to our Group's docketing department for processing before it is given to one of the Group's attorneys.

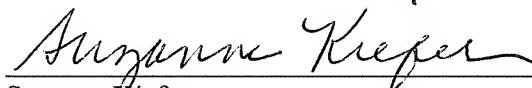
4. I personally reviewed the Firm's internal mail log and determined that the Firm did not receive an Office action dated December 30, 2005 regarding the above-identified application.

5. I personally reviewed the docket record for the above-identified application and determined that there were no updates of the docket record to reflect the response date for an Office action dated December 30, 2005. A copy of the docket record for the above-identified application is attached as Exhibit B-1. The last activity in the docket record prior to December 30, 2005 was the receipt of a return postcard on October 12, 2005 for the filing of a supplemental IDS. The next activity in the docket record after December 30, 2005 is the receipt of a return postcard on April 17, 2006 for the filing of a supplemental IDS. An entry for "Awtg Office Action" dated January 14, 2006 was docketed as a routine matter in our anticipation of a 3rd Office action in the above-identified patent application. This action was completed with the date of August 31, 2006 which indicated our receipt of the Notice of Abandonment.

6. Upon receipt of the Notice of Abandonment, I investigated the reason for the abandonment and reviewed the patent application information for the above-identified application on the Patent Application Information Retrieval ("PAIR") system on the U.S. Patent and Trademark's Office

website and discovered that the U.S. Patent and Trademark Office ("USPTO") had received mail returned as undelivered on January 23, 2006. Upon review of the document that had been returned to the USPTO, I discovered that the document was the December 30, 2005 Office action which is the subject of the Notice of Abandonment. Exhibit B-2 is a copy of the PAIR image file wrapper index and a copy of the returned Office letter showing a return date stamp of January 23, 2006.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true and that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Suzanne Kiefer

10/30/06
Date

EXHIBIT B-1

Patent Record Sheet

File Information

Docket Number	25791.00025.08	Status	Inactive
Country	United States	Sub Status	Abandoned
Case Type	Regular Case Type	Attorney	Todd D. Mattingly
Relation Type	Original Filing	Associate 1	
Filing Type	Patent Cooperation Treaty	Associate 2	
Client\Division	Enventure Global Technology, LLC	ClientRef#	TH-1515
Current Owner	Enventure Global Technology LLC	Agent	

TITLE:

Two-Step Radial Expansion

Application Number	10/030593	NationalFilingDate	10/29/2002
Application Date	7/7/2000	Publication Number	
Patent Number		Publication Date	
Grant Date		Next Tax Date	
		Expiration Date	

Parent Information

First Filing Date	7/9/1999	Parent Grant Number	PCT/US2000/018635
Parent Country	United States	Parent Grant Date	
Parent Filing Date	7/7/2000		

Patent Actions

Actions Due

Action	Action Due Date	Deadline Date	Completed Date	Action Notes
Publication Not Applicable				US National Phase
Abandoned				8/29/2006 - Received Notice of Abandonment. (amf)
Awtg Post Card	2/8/2002		2/20/2002	re: application filing
Awtg Official Filing Receipt	4/8/2002		2/13/2003	
Awtg Notice re Missing Parts	4/8/2002		4/5/2002	re: Notice of Missing Requirements - Declaration
Response Due to Missing Parts	6/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Awtg Post Card	6/30/2002		6/23/2002	re: response to missing parts
Missing Parts Response Due (1st Ext.)	7/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Awtg Executed Assignment	7/15/2002		6/4/2002	
Awtg Post Card	7/19/2002		7/17/2002	re: assignment recordation
Missing Parts Response Due (2nd Ext.)	8/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Awtg Executed Assignment	8/18/2002		9/5/2002	
Awtg Executed Declaration	8/18/2002		9/5/2002	
Missing Parts Response Due (3rd Ext.)	9/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
File Assignment	9/15/2002		6/24/2002	
Dead Date to File Missing Parts	10/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Reminder - Response Due	10/6/2002	11/6/2002	10/23/2002	DENIED PETITION
Awtg Post Card	10/9/2002		9/24/2002	re: supp dec
Dead Date Response Due	11/6/2002	11/6/2002	10/23/2002	RESPONSE TO DENIED PETITION DUE

Awtg Post Card	11/23/2002		11/5/2002	response to denied petition
Awtg Acceptance of Petition	11/30/2002		9/16/2002	re: non signing inventor
Awtg Post Card	12/4/2002		11/13/2002	supplemental IDS
Awtg Recorded Assignment	12/19/2002		9/18/2002	
Prepare Request for Corr. Filing Receipt	2/20/2003		2/1/2003	see non-consistent priority data on filing receipt
Awtg Acceptance of Petition	4/23/2003		1/24/2003	GRANTED
Application Published - Original Date	7/8/2003		2/13/2003	estimated 18 months from filing date
Awtg Post Card	10/2/2003		9/16/2003	9/2/2003 Status Inquiry sent to USPTO, Awaiting results.
Awtg Status Inquiry Results	10/2/2003		12/15/2003	9/2/2003 Status Inquiry sent to USPTO, Awaiting results.
Awtg Post Card	10/18/2003		10/3/2003	Supplemental IDS filed.
1st Office Action Mail Date	5/21/2004		5/21/2004	
Response Due 1st O.A. - No Fee	8/21/2004	11/21/2004	9/13/2004	No action taken at this time.
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 1
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 4
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 3
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 2
Resp. Due - 1st O.A. (1 Mo. Extension)	9/21/2004	11/21/2004	10/11/2004	No action taken at this time.
Resp. Due - 1st O.A. (2 Mo. Extension)	10/21/2004	11/21/2004	11/1/2004	No action taken at this time.
Resp. Due - 1st O.A. (Final Dead Date)	11/21/2004	11/21/2004	11/22/2004	
Awtg Post Card	12/22/2004		11/30/2004	Amendment.
Awtg Office Action	3/1/2005		5/21/2004	12/1/2003 - PTO estimates over 15 months before a first office action will be received. 9/2/2003 Status Inquiry sent to USPTO, Awaiting results.
Awtg Post Card	3/3/2005		2/11/2005	Suppl IDS Box 4
Awtg Post Card	3/3/2005		2/11/2005	Suppl IDS Box 3
Awtg Post Card	3/3/2005		2/11/2005	Suppl IDS Box 1
Awtg Post Card	3/3/2005		2/11/2005	Suppl IDS Box 2
2nd Office Action Mail Date	3/17/2005		3/17/2005	
Awtg Office Action	3/22/2005		3/21/2005	
Reponse to 2nd Office Action due - No Fee	6/17/2005	9/17/2005	8/18/2005	8/18/2005 Closed action per SMK, no response filed 6/17/2005, extension to be taken.
Response to 2nd O.A. (1st Extension)	7/17/2005	9/17/2005	8/18/2005	8/18/2005 Closed action per SMK, no response filed 7/17/2005, extension to be taken.
Response to 2nd O.A. (2nd Extension)	8/17/2005	9/17/2005	9/14/2005	
Response to 2nd OA - Final Dead Date	9/17/2005	9/17/2005	9/14/2005	
Awtg Post Card	10/14/2005		9/22/2005	Response to OA filed.
Awtg Post Card	11/3/2005		10/12/2005	Box 1-Supplemental IDS filed.
Awtg Post Card	11/3/2005		10/12/2005	Box 3 - Supplemental IDS filed.
Awtg Post Card	11/3/2005		10/12/2005	Box 2-Supplemental IDS filed.
Awtg Office Action	1/14/2006		8/31/2006	3rd OA.
Awtg Post Card	5/6/2006		4/17/2006	Box 2 - Supp. IDS filed.
Awtg Post Card	5/6/2006		4/17/2006	Box 1 - Supp. IDS filed.

Notes

Claims priority of both provisional applications; filed by filing date for .26 provisional. Joint Venture arrangement with Enventure

Global Technology

Inventors**Inventors**

Assignment Date	Reel/Frame No.	Inventor	Employed By Client
		Cook, Robert Lance	
		Stewart, R. Bruce	
		Ring, Lev	
		Haut, Richard Carl	
		Duell, Alan B.	
		Cowan, Kenneth Michael	
		Brisco, David Paul	
		Wyant, Reece E.	
		Nahm, James Jang Woo	
		Mack, Robert Donald	
		Filippov, Andrei Gregory	
		Dean, William (Bill)	

UpdateDate: 10/10/2006

UpdateUser: CURTSJ

EXHIBIT B-2



04-06-2006	Foreign Reference	19	<input type="checkbox"/>
04-06-2006	Foreign Reference	15	<input type="checkbox"/>
04-06-2006	Foreign Reference	41	<input type="checkbox"/>
04-06-2006	Foreign Reference	2	<input type="checkbox"/>
04-06-2006	Foreign Reference	4	<input type="checkbox"/>
04-06-2006	Foreign Reference	72	<input type="checkbox"/>
04-06-2006	Foreign Reference	82	<input type="checkbox"/>
04-06-2006	Foreign Reference	69	<input type="checkbox"/>
04-06-2006	Foreign Reference	297	<input type="checkbox"/>
04-06-2006	Foreign Reference	463	<input type="checkbox"/>
04-06-2006	Foreign Reference	35	<input type="checkbox"/>
04-06-2006	Foreign Reference	226	<input type="checkbox"/>
04-06-2006	Foreign Reference	420	<input type="checkbox"/>
04-06-2006	Foreign Reference	527	<input type="checkbox"/>
04-06-2006	Foreign Reference	225	<input type="checkbox"/>
04-06-2006	Foreign Reference	61	<input type="checkbox"/>
04-06-2006	Foreign Reference	52	<input type="checkbox"/>
04-06-2006	Foreign Reference	78	<input type="checkbox"/>
04-06-2006	Foreign Reference	90	<input type="checkbox"/>
04-06-2006	Information Disclosure Statement (IDS) Filed	20	<input type="checkbox"/>
04-06-2006	Foreign Reference	143	<input type="checkbox"/>
04-06-2006	Foreign Reference	71	<input type="checkbox"/>
04-06-2006	Foreign Reference	225	<input type="checkbox"/>
04-06-2006	Foreign Reference	225	<input type="checkbox"/>
01-23-2006	Mail returned to USPTO as undelivered	18	<input type="checkbox"/>
12-30-2005	Non-Final Rejection	5	<input type="checkbox"/>
12-30-2005	List of References cited by applicant and considered by examiner	10	<input type="checkbox"/>
12-30-2005	List of references cited by examiner	1	<input type="checkbox"/>
12-30-2005	Index of Claims	1	<input type="checkbox"/>
12-30-2005	Search information including classification, databases and other search related notes	1	<input type="checkbox"/>
11-03-2005	Miscellaneous Internal Document	1	<input type="checkbox"/>
10-04-2005	Foreign Reference	101	<input type="checkbox"/>
10-04-2005	Foreign Reference	164	<input type="checkbox"/>
10-04-2005	Foreign Reference	145	<input type="checkbox"/>
10-04-2005	Foreign Reference	132	<input type="checkbox"/>
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10-03-2005	Foreign Reference	216	<input type="checkbox"/>
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10-03-2005	Foreign Reference	100	<input type="checkbox"/>
10-03-2005	Foreign Reference	93	<input type="checkbox"/>
10-03-2005	Foreign Reference	93	<input type="checkbox"/>



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMUNICATIONS FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,593	10/29/2002	Robert Lance Cook	25791.25.08	2137

7590

12/30/2005

Todd Mattingly
Haynes & Boone
Suite 4300
1000 Louisiana
Houston, TX 77002



EXAMINER

THOMPSON, KENNETH L

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Office Action Summary

10/030,593

COOK ET AL.

Examiner

Art Unit

Kenneth Thompson

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 61, 64-66, 68-77, 79-84 and 86-131 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131 is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☒ Claim(s) 8-20, 26, 27, 95-98, 121-123 and 130 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 8-20, 26, 27, 95-98, 121-123 and 130 are objected to because of the following informalities:

The recitation "circumferential groove" in claim 8, line 7 lacks antecedent basis. Claims 9-20, 26, 27 and 95-98 depend from claim 8 and are likewise objected to. Claims 121-123 and 130 have a similar recitation are likewise objected to. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6, are rejected under 35 U.S.C. 102(b) as being anticipated by Rabe, U.S.

4,779,445.

Regarding claims 4-6, Rabe discloses a second tubular member (14) and a first tubular member (15) having an interior diameter substantially equal to the expanded inner diameter of the second tubular.

Allowable Subject Matter

Claims 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131 are allowed

Art Unit: 3672

Claims objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including relative burst strengths.

The prior art of record does not disclose or suggest all the claimed subject matter including plastically deforming the tubular members.

Response to Arguments

Applicant's arguments are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new grounds of rejection is made.

Conclusion

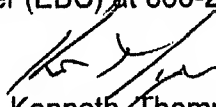
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

26 December 2005


Kenneth Thompson
Primary Examiner
Art Unit 3672

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention

TWO STEP RADIAL EXPANSION

Application Number : 10/030593



Confirmation Number: 2137

First Named Applicant: Robert Cook

Attorney Docket Number: 25791.25.08

Art Unit: 3672

Examiner: Kenneth Thompson

Search string: (1756531 or 2145168 or 2383214 or 2546295 or 2627891 or 3068563 or 3210102 or 3343252 or 3427707 or 3528498 or 3667547 or 3709306 or 3942824 or 4125937 or 4226449 or 4257155 or 4355664 or 4401325 or 4422507 or 4442586 or 4449713 or 4468309 or 4530231 or 4541655 or 4550782 or 4595063 or 4649492 or 4754781 or 4758025 or 4778088 or 4779445 or 4836579 or 4854338 or 4904136 or 4915177 or 4917409 or 4919989 or 4930573 or 4995464 or 5031370 or 5064004 or 5195583 or 5327964 or 5554244 or 5566772 or 5738146 or 6390720 or 6419025 or 6516887 or 6543545).pn

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
/	1	1756531	1930-04-29	Aldeen, et al.			
/	2	2145168	1939-01-24	Flagg			
/	3	2383214	1945-08-21	Prout			
/	4	2546295	1951-03-27	Boice			
/	5	2627891	1953-02-10	Clark			
/	6	3068563	1962-12-18	Reverman			
/	7	3210102	1965-10-05	Joslin			
/	8	3343252	1967-09-26	Reesor			
/	9	3427707	1969-02-18	Nowosadko			
/	10	3528498	1970-09-15	Carothers			
/	11	3667547	1972-06-06	Ahlstone			
/	12	3709306	1973-01-09	Curington			
/	13	3942824	1976-03-09	Sable			
/	14	4125937	1978-11-21	Brown, et al.			
/	15	4226449	1980-10-07	Cole			
/	16	4257155	1981-03-24	Hunter			
/	17	4355664	1982-10-26	Cook, et al.			
/	18	4401325	1983-08-30	Tsuchiya, et al.			

19	4422507	1983-12-27	Reimert			
20	4442586	1984-04-07	Ridenour			
21	4449713	1984-05-22	Ishido, et al.			
22	4468309	1984-08-28	White			
23	4530231	1985-07-23	Main			
24	4541655	1985-09-17	Hunter			
25	4550782	1985-11-05	Lawson			
26	4595063	1986-06-17	Jennings, et al.			
27	4649492	1987-03-10	Sinha, et al.			
28	4754781	1988-07-05	Putter			
29	4758025	1988-07-19	Frick			
30	4778088	1988-10-18	Miller			
31	4779445	1988-10-25	Rabe			
32	4836579	1989-06-06	Wester, et al.			
33	4854338	1989-08-08	Grantham			
34	4904136	1990-02-27	Matsumoto			
35	4915177	1990-04-10	Claycomb			
36	4917409	1990-04-17	Reeves			
37	4919989	1990-04-24	Colangelo			
38	4930573	1990-06-05	Lane, et al.			
39	4995464	1991-02-26	Watkins, et al.			
40	5031370	1991-07-16	Jewett			
41	5064004	1991-11-12	Lundel			
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Signature


Examiner Name	Date
<i>[Signature]</i>	28 DEC 05

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	TWO STEP RADIAL EXPANSION
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Application Number :	10/030593	
Confirmation Number:	2137	
First Named Applicant:	Robert Cook	
Attorney Docket Number:	25791.25.08	
Art Unit:	3672	
Examiner:	Kenneth Thompson	
Search string:	(6543552 or 6591905 or 6622797 or 6698517 or 6701598 or 6702030 or 6712401 or 6719064 or 6722443 or 6722437 or 6732806 or 6820690 or 6832649 or 6834725 or 6843322 or 6857473 or 6892819 or 6902000 or 6902652 or 20020020531 or 20030042022 or 20040060706 or 20040221996 or 20040231839 or 20040262014 or 20050011641 or 20050015963 or 20050028988 or 20050039910 or 20050039928 or 20050045324 or 20050045341 or 20050056433 or 20050056434 or 20050077051 or 20050081358 or 20050087337 or 20050098323 or 20050103502 or 20050123639 or 20050133225 or 20050138790 or 20050144771 or 20050144772 or 20050144777 or 20050150098 or 20050150660 or 20050161228).pn	

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Note: Applicant is not required to submit a paper copy of cited US Patent Documents

Init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
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<input checked="" type="checkbox"/>	4	6698517	2004-03-02	Simpson			
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Signature

Examiner Name	Date
<i>[Signature]</i>	26 DEC 05

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete If Known

Application Number 10/030,593
Filing Date 10/29/2002
Applicant(s) Cook et al.
Art Unit 3672
Examiner Name Kenneth Thompson
Attorney Docket Number 25791.25.08

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Examiner Signature *[Signature]* Date Considered 26 Dec 05

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

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Application Number: 10/030,593
Filing Date: 10/29/2002
Applicant(s): Cook et al.
Art Unit: 3672
Examiner Name: Kenneth Thompson
Attorney Docket Number: 25791.25.08

1 OF 1
SHEET

OCT 08 2005

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Date Considered 26 DEC 05

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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STATEMENT BY APPLICANT**
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Complete if Known

Application Number	10/030,593
Filing Date	10/29/2002
Applicant(s)	Cook et al.
Art Unit	3672
Examiner Name	Kenneth Thompson
Attorney Docket Number	25791.25.08

SHEET 1 OF 4

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OTHER PRIOR ART

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume, issue number(s), publisher, city/country where published
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C94	International Examination Report, Application PCT/US03/13787; March 2, 2005 (Atty Docket No. 25791.107.02)
C95	International Examination Report, Application PCT/US03/14153; May 12, 2005 (Atty Docket No. 25791.104.02)
C96	International Examination Report, Application PCT/US03/15020, May. 9, 2005 (Atty Docket No. 25791.90.02)
C97	International Examination Report, Application PCT/US03/25667, May 25, 2005 (Atty Docket No. 25791.118.02)
C98	International Search Report, Application PCT/US03/25716; Jan 13, 2005 (Atty Docket No. 25791.129.02)
C99	International Examination Report, Application PCT/US03/29858; May 23, 2005 (Atty Docket No. 25791.112.02)
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C101	International Preliminary Report on Patentability, Application PCT/US04/02122; May 13, 2005 (Atty Docket No. 25791.225.02)
C102	International Preliminary Report on Patentability, Application PCT/US04/04740; April 27, 2005 (Atty Docket No. 25791.185.02)
C103	International Preliminary Report on Patentability, Application PCT/US04/06246; May 5, 2005 (Atty Docket No. 25791.238.02)
C104	International Preliminary Report on Patentability, Application PCT/US04/08030; April 7, 2005 (Atty Docket No. 25791.241.02)
C105	International Preliminary Report on Patentability, Application PCT/US04/08030; June 10, 2005 (Atty Docket No. 25791.241.02)
C106	International Preliminary Report on Patentability, Application PCT/US04/08073; May 9, 2005 (Atty Docket No. 25791.262.02)
C107	International Preliminary Report on Patentability, Application PCT/US04/11177; June 9, 2005 (Atty Docket No. 25791.193.02)
C108	Examination Report to Application No. AU 2001278196 ,April 21, 2005 (Atty Docket No. 25791.45.03)
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C116	Examination Report to Application No. GB 0403893.1, February 14, 2005 (Atty Docket No. 25791.70.08)
C117	Examination Report to Application No. GB 0403894.9, February 15, 2005 (Atty Docket No. 25791.70.10)
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C138	Search and Examination Report to Application No. GB 0500600.2 February 15, 2005 (Atty Docket No. 25791.)
C139	Examination Report to Application No. GB 0501667.0 May 27, 2005 (Atty Docket No. 25791.90.04)
C140	Search and Examination Report to Application No. GB 0503470.7 March 21, 2005 (Atty Docket No. 25791.60.06)
C141	Search and Examination Report to Application No. GB 0506697.2 May 20, 2005 (Atty Docket No. 25791.87.06)
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C145	Written Opinion to Application No. PCT/US03/25675 May 9, 2005 (Atty Docket No. 25791.121.02)
C146	Written Opinion to Application No. PCT/US04/08171 May 5, 2005 (Atty Docket No. 25791.236.02)
C147	Combined Search Report and Written Opinion to Application No. PCT/US04/00631; March 28, 2005 (Atty Docket No. 25791.31.02)
C148	Combined Search Report and Written Opinion to Application No. PCT/US04/02122 Feb 24, 2005 (Atty Docket No. 25791.225.02)
C149	Combined Search Report and Written Opinion to Application No. PCT/US04/04740 Jan 19, 2005 (Atty Docket No. 25791.185.02)
C150	Combined Search Report and Written Opinion to Application No. PCT/US04/06246 Jan. 26, 2005 (Atty Docket No. 25791.238.02)
C151	Combined Search Report and Written Opinion to Application No. PCT/US04/08030 Jan 6, 2005 (Atty Docket No. 25791.241.02)
C152	Combined Search Report and Written Opinion to Application No. PCT/US04/08073 March 4, 2005 (Atty Docket No. 25791.262.02)
C153	Combined Search Report and Written Opinion to Application No. PCT/US04/08170 Jan 13, 2005 (Atty Docket No. 25791.40.02)
C154	Combined Search Report and Written Opinion to Application No. PCT/US04/08171 Feb. 16, 2005 (Atty Docket No. 25791.236.02)
C155	Combined Search Report and Written Opinion to Application No. PCT/US04/11172 Feb. 14, 2005 (Atty Docket No. 25791.193.02)
C156	Combined Search Report and Written Opinion to Application No. PCT/US04/28438 March 14, 2005 (Atty Docket No. 25791.137.02)

Examiner Signature	<i>[Signature]</i>	Date Considered	26 DEC 05
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Notice of References Cited

Application/Control No.

10/030,593

Applicant(s)/Patent Under
Reexamination
COOK ET AL.

Examiner

Kenneth Thompson

Art Unit

3672

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,779,445	10-1988	Rabe, George B.	72/393
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(g).)
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,593	10/29/2002	Robert Lance Cook	25791.25.08	2137

7590 12/30/2005
Todd Mattingly
Haynes & Boone
Suite 4300
1000 Louisiana
Houston, TX 77002

EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
----------	--------------

3672

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

10/030,593

COOK ET AL.

Examiner

Art Unit

Kenneth Thompson

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, 61, 64-66, 68-77, 79-84 and 86-131 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131 is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☒ Claim(s) 8-20, 26, 27, 95-98, 121-123 and 130 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 8-20, 26, 27, 95-98, 121-123 and 130 are objected to because of the following informalities:

The recitation "circumferential groove" in claim 8, line 7 lacks antecedent basis. Claims 9-20, 26, 27 and 95-98 depend from claim 8 and are likewise objected to. Claims 121-123 and 130 have a similar recitation are likewise objected to. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6, are rejected under 35 U.S.C. 102(b) as being anticipated by Rabe, U.S. 4,779,4455.

Regarding claims 4-6, Rabe discloses a second tubular member (14) and a first tubular member (15) having an interior diameter substantially equal to the expanded inner diameter of the second tubular.

Allowable Subject Matter

Claims 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131 are allowed

Art Unit: 3672

Claims objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including relative burst strengths.

The prior art of record does not disclose or suggest all the claimed subject matter including plastically deforming the tubular members.

Response to Arguments

Applicant's arguments are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new grounds of rejection is made.

Conclusion

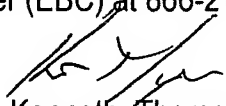
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

26 December 2005




Kenneth Thompson
Primary Examiner
Art Unit 3672

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	TWO STEP RADIAL EXPANSION						
Application Number :	10/030593						
Confirmation Number:	2137						
First Named Applicant:	Robert Cook						
Attorney Docket Number:	25791.25.08						
Art Unit:	3672						
Examiner:	Kenneth Thompson						
Search string:	(1756531 or 2145168 or 2383214 or 2546295 or 2627891 or 3068563 or 3210102 or 3343252 or 3427707 or 3528498 or 3667547 or 3709306 or 3942824 or 4125937 or 4226449 or 4257155 or 4355664 or 4401325 or 4422507 or 4442586 or 4449713 or 4468309 or 4530231 or 4541655 or 4550782 or 4595063 or 4649492 or 4754781 or 4758025 or 4778088 or 4779445 or 4836579 or 4854338 or 4904136 or 4915177 or 4917409 or 4919989 or 4930573 or 4995464 or 5031370 or 5064004 or 5195583 or 5327964 or 5554244 or 5566772 or 5738146 or 6390720 or 6419025 or 6516887 or 6543545).pn						
US Patent Documents							
Note: Applicant is not required to submit a paper copy of cited US Patent Documents							
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49	6516887	2003-02-11	Nguyen, et al.			
50	6543545	2003-04-08	Chatterji, et al.			


Signature

Examiner Name	Date
<i>[Signature]</i>	28 DEC 05

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Examiner:	Kenneth Thompson						
Search string:	(6543552 or 6591905 or 6622797 or 6698517 or 6701598 or 6702030 or 6712401 or 6719064 or 6722443 or 6722437 or 6732806 or 6820690 or 6832649 or 6834725 or 6843322 or 6857473 or 6892819 or 6902000 or 6902652 or 20020020531 or 20030042022 or 20040060706 or 20040221996 or 20040231839 or 20040262014 or 20050011641 or 20050015963 or 20050028988 or 20050039910 or 20050039928 or 20050045324 or 20050045341 or 20050056433 or 20050056434 or 20050077051 or 20050081358 or 20050087337 or 20050098323 or 20050103502 or 20050123639 or 20050133225 or 20050138790 or 20050144771 or 20050144772 or 20050144777 or 20050150098 or 20050150660 or 20050161228).pn						
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Signature

Examiner Name	Date
<i>[Signature]</i>	26 DEC 05

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Complete If Known

Application Number 10/030,593
Filing Date 10/29/2002
Applicant(s) Cook al.
Art Unit 3672
Examiner Name Kenneth Thompson
Attorney Docket Number 25791.25.08

SHEET 1 OF 1

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Application Number	10/030,593
Filing Date	10/29/2002
Applicant(s)	Cook et al.
Art. Unit	3672
Examiner Name	Kenneth Thompson
Attorney Docket Number	25791.25.08

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Complete if Known

Application Number: 10/030,593
Filing Date: 10/29/2002
Applicant(s): Cook et al.
Art. Unit: 3672
Examiner/Name: Kenneth Thompson
Attorney/Docket Number: 25791.25.08

SHEET 1 OF 4

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Examiner Signature		Date Considered	26 DEC 05
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Notice of References Cited

Application/Control No.

10/030,593

Applicant(s)/Patent Under

Reexamination

COOK ET AL.

Examiner

Kenneth Thompson

Art Unit

3672

Page 1 of 1

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*	A	US-4,779,445	10-1988	Rabe, George B.	72/393
	B	US-			
	C	US-			
	D	US-			
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	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims



10/030,593

Examiner

Kenneth Thompson

Reexamination

COOK ET AL.

Art Unit

3672

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
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Claim		Date	
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Kenneth Thompson

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INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cook, et al.

Appl. No. 10/030,593

Filed: January 8, 2002

For: TWO-STEP RADIAL EXPANSION

§ Attorney Docket No.: 25791.25.08
§
§ Group Art Unit: 3672
§
§ Examiner: Kenneth L. Thompson
§

DECLARATION OF LUCRESHA VINSON

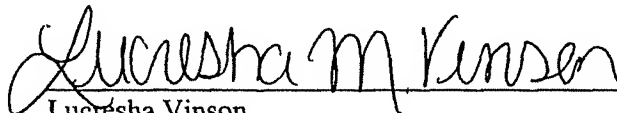
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Lucresha Vinson, declare and say that I have direct knowledge of all facts set forth in this Declaration and:

1. I have been an employee of Haynes and Boone, LLP (the "Firm") since June 2005. In December, 2005, I was the IP File Clerk in the Intellectual Property Practice Group in the Firm's Houston Office.

2. All mail addressed to the Firm's Houston Office intellectual property attorneys is deposited at my desk where I open it. All mail coming from the U.S. Patent and Trademark Office is separated from the other mail. I scan all prosecution mail for docketing to the Firm's Docketing Department in the Firm's Dallas, Texas office. I keep an archive file of all mail scanned to the Firm's Docketing Department. I have reviewed the archive files of mail scanned to the Firm's IP Docketing Department and determined that an Office action dated December 30, 2005 in connection with the above-identified application was never received.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true and that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


Lucresha Vinson

10/30/2006
Date